



DEPARTMENT OF THE NAVY  
NAVAL DISTRICT WASHINGTON  
1343 DAHLGREN AVE SE  
WASHINGTON NAVY YARD DC 20374-5161

5720  
Ser N00J/162  
June 9, 2023

Via FOIA Online: david.rozovski2.mil@us.navy.mil

Dr. David Rozovski  
20620 Laurel Ct  
Leonardtown, MD 20650

Dear Dr. Rozovski

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST DON-NAVY-2023-010558

This responds to your Freedom of Information Act (FOIA) request in which you seek the report associated with Inspector General "NIGHTS" case 202205296 regarding alleged improper speed bump installation, speed limit adjustments, and traffic calming measures at NAS Patuxent River. Your request was received by the agency on May 15, 2023 and perfected on May 19, 2023.

Your request has been processed in accordance with the FOIA, 5 U.S.C. § 552. We conducted a diligent search for an investigation related to the subject "NIGHTS" case. We determined that the investigating officer did not produce a stand-alone written report. Instead, the investigating officer provided a draft final response to Naval District Washington leadership which summarized the investigating officer's findings and conclusions. This draft response was adopted and reflects the investigating officer's findings. The final response letter, consisting of five (5) pages, is enclosed to this letter.

Limited redactions have been made under exemption (b)(6) of the FOIA. Exemption (b)(6) of the FOIA allows an agency to withhold "personnel and medical files and similar files" if disclosure would constitute a "clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. *See United States Dep't of State v. Washington Post Co.*, 456 U.S. 595 (1982). To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information. *See United States Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749 (1989).

As amended in 2016, the FOIA provides that a federal agency may withhold responsive records only if the agency reasonably foresees that disclosure would harm an interest protected by one of the FOIA's nine enumerated exemptions or if disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A)(i). In this case, I have considered the reasonably foreseeable harm posed by release and have determined that partially withholding information is necessary in order to protect the privacy interests of the other party to this matter. Specifically, I determined that phone numbers and e-mail addresses of agency employees implicate a personal privacy interest and that this privacy interest was not outweighed by the public interest in release. If information must be withheld, the agency must

take reasonable steps to segregate and release nonexempt information. I have considered this standard and have released to you all nonexempt information that can be reasonably segregated.

There are no fees associated with processing your request.

As your FOIA request is partially denied, you are advised of your right to appeal this determination by submitting an appeal to the Office of the Judge Advocate General (Code 14) using FOIA online at <https://foiaonline.gov> (the preferred method), or in writing to: Office of the Judge Advocate General (Code 14), 1322 Patterson Ave, SE, Ste 3000, Washington Navy Yard, DC 20374-5066. Your appeal must be postmarked within 90 calendar days from the date of this letter. As the requester, you have the burden of proving timely submission of any appeal. A copy of your initial request and this letter should accompany the appeal. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

For this determination, you have the right to seek dispute resolution services from the Department of the Navy FOIA/PA Public Liaison, Mr. Christopher Julka, at [christopher.a.julka@navy.mil](mailto:christopher.a.julka@navy.mil) or (703) 697-0031. You may also seek dispute resolution services from the Office of Government Information Services (OGIS), the Federal FOIA/PA Ombudsman's office, at (202) 741-5770 or [ogis@nara.gov](mailto:ogis@nara.gov).

If you have any questions regarding the processing of your request, you may contact the Naval District Washington FOIA/PA liaison at [CNI.NDWFOIA@navy.mil](mailto:CNI.NDWFOIA@navy.mil).

Sincerely,



J. M. KENNEDY  
Commander, U.S. Navy  
Judge Advocate General's Corps  
Staff Judge Advocate

Enclosure